

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GOVERNMENT'S SENTENCING POSITION

The United States of America, by and through its attorneys, United States Attorney Michael J. Sullivan and Assistant United States Attorney Paul R. Moore, respectfully submits this brief government's position on the sentencing of the above-captioned defendant, STEVEN C. MORELLO, to assist the Court during the upcoming sentencing hearing in the above-captioned matter, which is scheduled to occur on May 4, 2006, at 3:00 p.m. The defendant is represented by Michael Natola, Esq.

ISSUES TO BE RESOLVED

The defendant, through his counsel, and the government, through the undersigned, have engaged in extensive discussions regarding both the plea and sentencing in this matter. To the knowledge of the government, there are no outstanding issues or disagreements with the findings of the Probation Office in its Pre-Sentence Report prepared for the Court.

It is anticipated by the undersigned that the parties will approach the Court at the sentencing hearing with a joint recommendation to the Court.

SUMMARY OF PROMISES CONTAINED WITHIN THE PLEA AGREEMENT

The parties agreed on a number of positions with regard to sentencing in the Plea Agreement before this Court on December 2, 2005. They include the position that the defendant is a “Career Offender,” pursuant to U.S.S.G. § 4B1.1, that his Total Offense Level is 32 (prior to a three-level adjustment for acceptance of responsibility upon fulfillment of the terms of the plea agreement, pursuant to U.S.S.G. § 3E1.1(a) and (b)), and that his criminal record results in his placement into Criminal History Category VI (65 total points, according to the Pre-Sentence Report).

The Pre-Sentence Report’s independent evaluation and findings verified the factual basis for the agreement as to the defendant’s status for purposes of sentencing.

MAXIMUM PENALTIES

The defendant has pleaded guilty to all three counts of the three-count Indictment. For each count, the maximum penalties include: up to twenty (20) years of imprisonment, a fine of up to \$250,000.00, up to three (3) years of supervised release and a mandatory special assessment of \$100.00.

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The government, per its Plea Agreement with the defendant, recommends to this Court that the defendant receive the following sentence: a period of imprisonment at the low-end of the guideline range, which the government (and the Probation Office) believes to be 151 months, no fine as the defendant appears unable to pay any fine, unless the Court should determine that the defendant is able to pay a fine, in which case the government would recommend a fine at the low-end of the guideline range, which the government (and the Probation Office) believes to be

\$15,000.00, a period of supervised release of three (3) years (for each count, to run concurrently), and a mandatory special assessment of \$100.00 for each count of conviction.

In addition, according to the terms of the Plea Agreement, the defendant should also be ordered to make restitution to the East Boston Savings Bank (\$1,382.00), the TD Banknorth (\$1,000.00) and the Eastern Bank (\$5,422.00). The Pre-Sentence Report provides the accurate method of payment.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Paul R. Moore
Paul R. Moore
Assistant U.S. Attorney

DATE: April 25, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney for defendant, STEVEN C. MORELLO, Michael Natola, Esq., on April 25, 2006, via electronic filing and notification.

/s/ Paul R. Moore
Paul R. Moore
Assistant U.S. Attorney